

Entered - 11/15/02 - sb
CL02L0808 - DIANNE C. MITCHELL

CLAIM OF: **ARCHELLIAN BENNETT,**
through her attorney,
Jeffrey Flynn
Suite 414
1447 Peachtree Street, NE
Atlanta, Georgia 30309

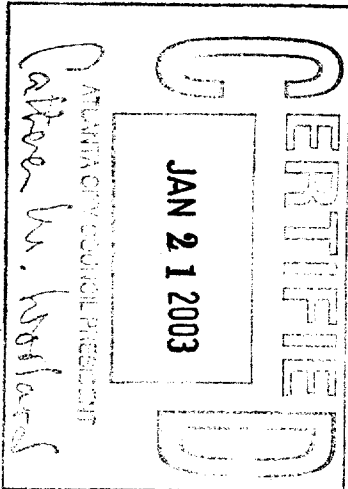
03-R-0011

For damages alleged to have been sustained as a result of a vehicular accident on August 14, 2002 at Jonesboro Road and Macedonia Road.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CITY COUNCIL JAN 21 2003



DEPUTY MUNICIPAL CLERK *frank*

ADVERSE REPORT

COMM: *Public Safety*

DATE: *1-14-03*

CHAIR: *[Signature]*

[Signature]

[Signature]

E. T. Marlyn

Chela Traylor

Wayne Newwood

[Signature]



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

January 31, 2003

Jeffrey Flynn
Attorney at Law
1447 Peachtree Street, NE
Suite 414
Atlanta, GA 30309

03-R-0011

RE: Archellian Bennett

Dear Attorney Flynn:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on January 21, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0808

Date: December 5, 2002

Claimant /Victim ARCHELLIAN BENNETT
BY: (Atty) Jeffrey Flynn
Address: Suite 414, 1447 Peachtree Street, NE, Atlanta, Georgia 30309
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated
Date of Notice: 11/15/02 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 08/14/02 Place: Jonesboro Road and Macedonia Road
Department Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that she was injured in a vehicular accident involving a vehicle owned by Fulton County. Fulton County is a separate legal entity from the City of Atlanta. The claimant's attorney has been advised to pursue the claim with Fulton County.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved X Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01
Claims Manager: Dianne C. Mitchell Concur/date 120502
Committee Action: Council Action

RCS# 4404
1/21/03
3:19 PM

Atlanta City Council

Regular Session

CONSENT 1 Pgs. 1-8; Except 03-R-0035; 03-R-0050

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

Y Smith	NV Archibong	Y Moore	NV Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

1/21/03 FULL COUNCIL MEETING	
Items Adopted on the Consent Agenda	Items Adversed on the Consent Agenda
1. 02-O-2129	24. 03-R-0003
2. 03-O-0040	25. 03-R-0004
3. 02-O-2132	26. 03-R-0005
4. 02-O-2133	27. 03-R-0006
5. 02-O-2128	28. 03-R-0007
6. 03-O-0047	29. 03-R-0008
7. 03-R-0029	30. 03-R-0009
8. 03-R-0030	31. 03-R-0010
9. 03-R-0025	32. 03-R-0011
10. 03-R-0032	33. 03-R-0012
11. 03-R-0036	34. 03-R-0015
12. 03-R-0058	35. 03-R-0016
13. 03-R-0059	36. 03-R-0017
14. 02-R-1137	37. 03-R-0018
15. 02-R-1628	38. 03-R-0019
16. 02-R-1874	39. 03-R-0021
17. 03-R-0031	40. 03-R-0022
18. 03-R-0046	41. 03-R-0023
19. 02-R-2056	42. 03-R-0024
20. 03-R-0001	
21. 03-R-0002	
22. 03-R-0013	
23. 03-R-0014	

Consent I Vote: 11 Yeas; 0 Nays: (See RCS #4404/Reconsidered; See RCS # 4376
for Initial Vote & RCS #4403 for vote to Reconsider)
Items Removed from the Consent Agenda: 03-R-0035 & 03-R-0050